

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

BARRY RUBINSTEIN, et al.,

Plaintiffs,

V.

GIGI'S CUPCAKES LLC, et al.,

## Defendants.

CIV. ACTIONS NO. 3:18-CV-2377-B  
3:18-CV-2381-B  
3:18-CV-2826-B  
3:18-CV-2828-B  
3:18-CV-2831-B  
3:18-CV-2843-B  
3:18-CV-2846-B  
3:17-CV-3009-B

## ORDER OF CONSOLIDATION

The Court presently has seven actions on its docket filed by various franchisees of the franchisor GiGi's Cupcakes, LLC. The franchisees in these cases make claims that are substantially similar to each other's claims and claims made by franchisees in the consolidated action, *GiGi's Cupcakes, LLC v. 4 Box, LLC, et al.*, 3:17-CV-3009-B (N.D. Tex. filed Nov. 11, 2017). The Court concludes that these cases involve common questions of law and fact and consolidation under Federal Rule of Civil Procedure 42(a) is appropriate. Accordingly, the Court enters this Order to **CONSOLIDATE** the following cases for pretrial proceedings. *See Castaneda v. Swift Transp. Corp.*, EP-07-CV-369-DB, 2009 WL 10669207, at \*2 (W.D. Tex. July 16, 2009) (internal citations and quotations omitted) ("Thus, Rule 42(a) contemplates consolidation for purposes of particular segments of the litigation, such as pretrial proceedings.").


1. 3:17-cv-3009-B (existing consolidated action)
2. 3:18-cv-2377-B
3. 3:18-cv-2381-B
4. 3:18-cv-2826-B
5. 3:18-cv-2828-B
6. 3:18-cv-2831-B
7. 3:18-cv-2843-B
8. 3:18-cv-2846-B

All future pretrial filings shall be filed in 3:17-cv-3009-B. The Court **DIRECTS** the Clerk to administratively close all other cases listed above. United States Magistrate Judge Renee H. Toliver, currently assigned to 3:17-cv-3009-B, will continue as the Magistrate Judge in this consolidated action.

The Court also **DIRECTS** the Clerk to align the Plaintiffs in the individual actions (Nos. 2 through 8 above) as Third-Party Plaintiffs in consolidated action 3:17-cv-3009-B. Defendants in the individual actions (Nos. 2 through 8) shall be aligned as Third-Party Defendants in the consolidated action 3:17-CV-3009-B. If the parties wish to alter their alignments, they shall file a motion with the Court supported by reasons for proposed realignment.

**SO ORDERED.**

**SIGNED: November 16, 2018.**

  
JANE J. BOYLE  
UNITED STATES DISTRICT JUDGE